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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all other similarly
situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No.: 4:20-cv-03664-YGR

**DECLARATION OF RYAN MCGEE IN
SUPPORT OF PLAINTIFFS' MOTION
TO SEAL**

Judge: Hon. Yvonne Gonzalez Rogers
Date: May 12, 2023
Time: 1:00 p.m.
Location: Courtroom 1 – 4th Floor

DECLARATION OF RYAN MCGEE

I, Ryan McGee, declare as follows.

1. I am an associate with the law firm of Morgan and Morgan, counsel for Plaintiffs in this matter. I am an attorney at law duly licensed to practice before all courts of the State of Florida and admitted *pro hac vice* for this case. Dkt. 19. I have personal knowledge of the matters set forth herein and am competent to testify.

2. Pursuant to Civil Local Rule 79-5, I submit this Declaration in support of Plaintiffs' administrative motion to seal portions of their opposition to Google's motion for summary judgment. In making this request, Plaintiffs have carefully considered the relevant legal standard and policy considerations outlined in Civil Local Rule 79-5.

3. Plaintiffs respectfully request that the Court seal:

- a. Portions of paragraphs 22–23, 30, 38–47, and 67–69 of the June 7, 2022 Rebuttal and Supplemental Expert Report of Jonathan Hochman ("Hochman Rebuttal").
- b. The entirety of Exhibits A–B, and Appendices A, B, C, D, E, F, G, H, I, and J of the Hochman Rebuttal.

4. The information requested to be sealed has been designated by Plaintiffs as "Confidential" pursuant to the parties' Stipulated Protective Order (Dkt. 81).

5. Specifically, the portions Plaintiffs seek to seal associate Plaintiffs (or their experts) with various identifiers and information related to their browsing activity. One example includes paragraph 23 of the Hochman Rebuttal, which connects Plaintiff Chasom Brown to various identifiers.

6. Since these requests are narrowly tailored, they should not interfere with the public's ability to understand the judicial process and the matters at issue in this case.

7. This Court has previously granted a motion to seal this same material. Dkt. 804 at 14. A similar request to seal was also granted in the related case of *Calhoun v. Google LLC*, No. 4:20-cv-05146-YGR-SVK (N.D. Cal.), Dkt. 198 (sealing *Calhoun* plaintiffs' web browsing

1 history and information).

2 8. If the Court were to deny sealing this information, Plaintiffs could be subjected
3 to a heightened risk of injury, including identity theft. I was personally involved at all stages of
4 the litigation in *Adkins v. Facebook, Inc.*, No. 3:18-cv-05982-WHA (N.D. Cal.) including expert
5 discovery and related motions practice. I personally presented plaintiffs' tutorial before Judge
6 Alsup with two cybersecurity experts (one of whom served as plaintiffs' testifying expert) to
7 discuss data breaches and exploitation of personal information. No. 3:18-cv-05982-WHA, Dkts.
8 20, 65.

9 9. I also personally defended the expert deposition of the testifying cybersecurity
10 expert, and I personally argued the *Daubert* motions that Facebook filed against our experts. The
11 information Plaintiffs seek to seal here is of substantially the same type of information that can
12 be used to gain unauthorized access to personal accounts.

13 I declare under penalty of perjury under the laws of the United States of America that the
14 foregoing is true and correct. Executed this 12th day of April, 2023, at Tampa, Florida.

15 /s/ Ryan McGee
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